

## REMARKS

Applicants have amended claims 1 and 9 for clarification purposes. No new matter has been added. Support is found in the specification including, for example, Figure 1.

On page 2 of the Office Action, claims 1-3, 6 and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Kurihara, U.S. Patent No. 3,801,726 (“Kurihara”). According to the rejection, the Examiner is interpreting the term “sinuous” as meaning “marked by many curves or turns: winding” using a general dictionary. Furthermore, based upon this definition, Kurihara is cited as a reference disclosing the Applicants’ claimed invention. Applicants submit that the term “sinuous” should be interpreted according to its meaning as known to one of ordinary skill in the art and in view of the specification. The term “sinuous wires” according to one of ordinary skill in the art and as intended in the context of the present specification refers to wires which are regularly bent in the form of a sine wave. This is clearly illustrated in Figure 1 of the present specification. Applicants meaning to this term should control as opposed to a general dictionary definition.

As set forth by the U.S. Court of Appeals for the Federal Circuit in Phillips v. AWH Corp., 75 USPQ2d 1321 (CAFC 2005):

By design, general dictionaries, collect the definitions of a term as used not only in a particular art field, but in many different settings....For that reason, we have stated that ‘a general-usage dictionary’ cannot overcome art-specific evidence or the meaning of a claim term. Even technical dictionaries or treatises under certain circumstances may suffer from some of these deficiencies. There is no guarantee that a term is used in the same way in a treatise as it would be by the patentee. In fact, discrepancies between the patent and treatises are apt to be common because the patent by its nature describes something novel. Moreover, different dictionaries may contain somewhat different sets of definitions for the same words. A claim should not rise or fall based upon the preferences of a particular dictionary editor, or the court’s independent decision, uninformed by the specification, to rely on one dictionary rather than another. Finally, the authors of dictionaries or treatises may simplify ideas to communicate them most effectively to the public and may thus choose a meaning that is not pertinent to the

understanding of particular claim language. The resulting definitions therefore do not necessarily reflect the inventor's goal of distinctly setting forth his invention as a person of ordinary skill in that particular art would understand it.

Therefore, based upon Applicants' intended meaning of the term "sinuous", Kurihara differs from the present invention as it does not disclose a plurality of sinuous wires each in a form of a sine wave. Furthermore, it does not disclose such sinuous wires arranged adjacently in coextensive side abutting relation. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance and reconsideration is requested. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,

  
Susan S. Jackson  
Registration No. 41,302  
Kennedy Covington Lobdell & Hickman, L.L.P.  
Hearst Tower, 47<sup>th</sup> Floor  
214 N. Tryon Street  
Charlotte, North Carolina 28202  
Telephone (704) 331-7410  
-- Attorney for Applicants